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17 Adobe Systems Inc.

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19 UNITED STATES DISTRICT COURT
20
21 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

22 IN RE: HIGH-TECH EMPLOYEE
23 ANTITRUST LITIGATION

24 **Master Docket No. 11-CV-2509-LHK**

25 THIS DOCUMENT RELATES TO:
26
27 ALL ACTIONS

28 **STIPULATION AND [PROPOSED]
ORDER REGARDING DOCUMENT
ADMISSIBILITY AND
AUTHENTICATION**

1 The individual and representative plaintiffs Siddharth Hariharan, Brandon Marshall,
 2 Michael Devine, Mark Fichtner, and Daniel Stover (“Plaintiffs”) and defendants Adobe Systems
 3 Inc., Apple Inc., Google Inc., Intel Corp., Intuit Inc., Lucasfilm Ltd., and Pixar (“Defendants”),
 4 by and through the undersigned counsel, hereby enter into this Stipulation, subject to court
 5 approval, with reference to the following facts:

6 WHEREAS, the parties have collectively produced in excess of 340,000 documents in this
 7 case, amounting to more than 1,825,000 pages;

8 WHEREAS, on February 27, 2013, Plaintiffs served on each Defendant Requests for
 9 Admissions and the Third Set of Interrogatories regarding the authenticity and admissibility of
 10 documents produced in this case;

11 WHEREAS, on March 12, 2013, Plaintiffs served on Defendants deposition notices
 12 pursuant to Federal Rule of Civil Procedure 30(b)(6), seeking testimony related to, among other
 13 things, the authenticity and admissibility of documents produced in this case;

14 WHEREAS, the fact discovery cutoff is March 29, 2013;

15 ACCORDINGLY, IT IS HEREBY STIPULATED, SUBJECT TO COURT APPROVAL,
 16 that:

- 17 1. Plaintiffs withdraw the 30(b)(6) deposition notices served March 12, 2013.
- 18 2. Plaintiffs withdraw the February 27, 2013 Requests for Admissions and Third Set
 19 of Interrogatories.
- 20 3. Except as provided herein, all documents produced by Plaintiffs or Defendants in
 21 this case bearing a bates number are authentic true and correct copies of documents within the
 22 possession, custody or control of the producing party, and the metadata and email header
 23 information produced by Plaintiffs or Defendants accurately reflects the senders, recipients and/or
 24 custodians of email and other documents.
- 25 4. Plaintiffs and Defendants reserve the right to challenge the authenticity of specific
 26 documents and their associated metadata after another party identifies them for use in this case. If
 27 a party challenges the authenticity of a document, the producing party will permit appropriate
 28 discovery on the limited issue of authenticity of that specific document, without regard to the fact

1 discovery cutoff date.

2 5. Plaintiffs and Defendants will provide a list of documents that they request the
3 parties stipulate are business records pursuant to Federal Rule of Evidence 803(6). For any such
4 documents that any party declines to so stipulate, the producing party will permit appropriate
5 discovery on the limited issue of whether that specific document meets the business record
6 requirements of Rule 803(6), without regard to the discovery cutoff date.

7 6. The parties will agree to a schedule for the timing of the Plaintiffs' and
8 Defendants' identification of documents they intend to use and documents they request producing
9 parties stipulate are business records, the producing parties' response, and any related discovery.

10 7. Documents whose authenticity and business records status has been established
11 pursuant to this stipulation can be introduced into evidence without calling at trial a custodian of
12 the document as a sponsoring witness.

13 8. By entering into this stipulation, the parties hereby preserve and do not waive any
14 other objections that they may have to the admissibility of a particular document.

15 9. Except as provided herein, this stipulation does not otherwise affect the schedule
16 for the case.

17 Dated: March 28, 2013 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

18 By: /s/ Kelly M. Dermody
19 KELLY M. DERMODY
20 Attorneys for individual and representative Plaintiffs
21 Siddharth Hariharan, Brandon Marshall, Michael Devine,
22 Mark Fichtner, and Daniel Stover

23 Dated: March 28, 2013 JOSEPH SAVERI LAW FIRM

24 By: /s/ Joseph Saveri
25 JOSEPH SAVERI
26 Attorneys for individual and representative Plaintiffs
27 Siddharth Hariharan, Brandon Marshall, Michael Devine,
28 Mark Fichtner, and Daniel Stover

1 Dated: March 28, 2013 O'MELVENY & MYERS LLP

2
3 By: /s/ Michael F. Tubach
4 MICHAEL F. TUBACH
Attorneys for Defendant
APPLE INC.

5
6 Dated: March 28, 2013 KEKER & VAN NEST LLP

7
8 By: /s/ Daniel Purcell
9 DANIEL PURCELL
Attorneys for Defendant
LUCASFILM LTD.

10 Dated: March 28, 2013 JONES DAY

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12 By: /s/ David C. Kiernan
13 DAVID C. KIERNAN
Attorneys for Defendant
ADOBE SYSTEMS INC.

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15 Dated: March 28, 2013 MAYER BROWN LLP

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17 By: /s/ Lee H. Rubin
18 LEE H. RUBIN
Attorneys for Defendant
GOOGLE INC.

19 Dated: March 28, 2013 BINGHAM McCUTCHEN LLP

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21 By: /s/ Frank Hinman
22 Frank Hinman
Attorneys for Defendant
INTEL CORPORATION

23
24 Dated: March 28, 2013 JONES DAY

25
26 By: /s/ Robert A. Mittelstaedt
27 ROBERT A. MITTELSTAEDT
Attorneys for Defendant
INTUIT INC.

28

1 Dated: March 28, 2013

COVINGTON & BURLING LLP

2
3 By: /s/ Emily Johnson Henn
4 EMILY JOHNSON HENN
Attorneys for Defendant
PIXAR

Filer's Attestation

I attest under penalty of perjury that concurrence in the filing of the document has been obtained from all the signatories.

Dated: March 28, 2013

/s/ Robert Mittelstaedt

Robert Mittelstaedt

Jones Day

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

HON. LUCY H. KOH
UNITED STATES DISTRICT JUDGE

SFI-819904v5